

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

**YELENA NIKOLAYCHUK**, Personal  
Representative of the Estate of  
Igor Nikolaychuk,

**3:17-cv-00921-JE**

**Plaintiff,**

**ORDER**

**v.**

**NATIONAL CASUALTY COMPANY,**

**Defendant.**

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Attorney for Plaintiff

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Attorneys for Defendant

**BROWN, Judge.**

Magistrate Judge John Jelderks issued Findings and

Recommendation (#15) on September 21, 2017, in which he recommends this Court deny Defendant's Motion (#5) to Dismiss and deny Plaintiff's Motion (#13) to Strike as moot. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

Because no objections to the Magistrate Judge's Findings and Recommendation were timely filed, this Court is relieved of its obligation to review the record *de novo*. See *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009). See also *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003)(*en banc*). Having reviewed the legal principles *de novo*, the Court finds no error.

#### **CONCLUSION**

The Court **ADOPTS** Magistrate Judge Jelderks's Findings and Recommendation (#15). Accordingly, the Court **DENIES** Defendant's Motion (#5) to Dismiss and **DENIES** Plaintiff's Motion (#13) to Strike as moot.

IT IS SO ORDERED.

DATED this 30<sup>th</sup> day of October, 2017.

/s/ Anna J. Brown

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ANNA J. BROWN  
United States Senior District Judge